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Margaret M. Hasson

**PATENT**  
**Attorney Docket No.: 51309-00001 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Naidu et al.

**Serial No.:** 10/672,668

**Filed:** September 26, 2003

**Title:** PREBIOTIC AND PRESERVATIVE USES  
OF OIL-EMULSIFIED PROBIOTIC  
ENCAPSULATIONS

**Conf. No.:** 2633

**Examiner:** Unknown

**Art Unit:** 1651

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§609 and 707.05(b), enclosed is a copy of the substitute for FORM PTO-1449 listing the references that are known to applicant. Applicants enclose copies of each of the listed references which are not U.S. patents.

This art is being filed for consideration in compliance with § 1.97 within the following time period:

37 C.F.R. § 1.97 (b) This information disclosure statement is being filed by the applicant for consideration and entry before the mailing of a first office action on the merits.

The submission of the above-described documents does not constitute an admission nor should it be construed as a representation that a search has been made, construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

Applicant reserves the right to antedate or otherwise remove the documents as references.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of the substitute for FORM PTO-1449 be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. Applicant believes that no fee is due with this communication; however, if the Commissioner deems a fee is due, the Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

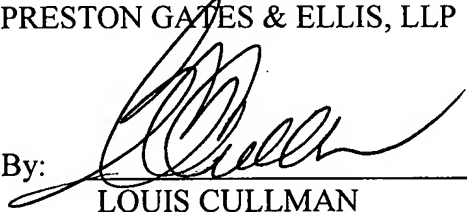
Respectfully submitted,

PRESTON GATES & ELLIS, LLP

Date

8/9/04

By:

  
LOUIS CULLMAN  
Attorney for Applicant  
Registration No. 39,645

Contact information below for inquiries regarding the above submission:

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Enclosures: PTO-1440 and Non-US patent references cited thereon, Transmittal



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	4	Application Number	10/672,668
		Filing Date	September 26, 2003
		First Named Inventor	A. Satyanarayan Naidu
		Art Unit	1651
		Examiner Name	Unknown
		Attorney Docket Number	51309-00001US (14381-15)

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Non-US Patent References listed on substitute for PTO-1449
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Louis C. Cullman Preston Gates & Ellis, LLP Reg. No.: 39,645
Signature	
Date	8/9/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Margaret M. Hasson
Signature	
Date	8/18/04 8/19/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

Application Number	10/672,668
Filing Date	September 6, 2003
First Named Inventor	A. Satyanarayan Naidu
Group Art Unit	1651
Examiner Name	Unknown
Attorney Docket Number	51309-00001US

## **OTHER DOCUMENTS**

EXAMINER INITIALS	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Conway, "Selection criteria for probiotic microorganisms," Asia Pacific J Clin Nutr, 5:10-14 (1996)
	Fuller et al., "Modification of the intestinal microflora using probiotics and prebiotics," Scand J Gastroenterol Suppl, 222:28-31 (1997)
	Gibson et al., "Dietary modulation of the human colonic microbiota - Introducing the concept of prebiotics," J Nutr, 125:1401-12 (1995)
	Gibson et al., "Probiotics and intestinal infections, in Probiotics 2 - Applications and practical aspects," Edited by R Fuller. London, UK, Chapman and Hall, pp.10-31 (1997)
	Greene et al., "Factors Involved in Adherence of Lactobacilli to Human CACO-2 Cells," Applied and Environmental Microbiology, 60:4487-94 (12/1994)
	Havenaar et al. "Selection of strains for probiotic use, in Probiotics, the scientific basis," Edited by R Fuller. London, UK, Chapman and Hall, pp. 209-24 (1992)
	Mitsuoka, T., "Taxonomy and Ecology of Bifidobacteria," Bifidobacteria Microflora, 3:11-28 (1984)
	Naidu et al., "Probiotic spectra of lactic acid bacteria (LAB)," Crit Rev Food Sci Nutr 39:13-126 (1999); 39:3-126.
	Naidu et al., "Probiotics, in Natural Food Antimicrobial Systems," Edited by AS Naidu. Boca Raton, FL, CRC Press, pp.431-62 (2000)
	Naidu et al., "Reduction of sulfide, ammonia compounds and adhesion properties of Lactobacillus casei strain KE99 in vitro," Curr Microbiol, 44:196-205 (2002)
	Ouwehand et al., "Adhesion of Inactivated Probiotic Strains to Intestinal Mucus," Letters in Applied Microbiology, 31:82-6 (6/2000)
	Roberfroid, "Health benefits of non-digestible oligosaccharides," Adv Exp Med Biol, 427:211-9 (1997)
	Salminen et al., "Clinical uses of probiotics for stabilizing the gut mucosal barrier: successful strains and future challenges," Antonie Van Leeuwenhoek, 70:347-58 (1996)
	Tumola et al., "The Effect of Probiotic Bacteria on the Adhesion of Pathogens to Human Intestinal Mucus," Immun. & Med. Microbiology, 36:137-42 (1999)
	Tumola, "Addition of Some Probiotic and Dairy Lactobacillus Strains to CACO-2 Cell Cultures," Int'l. J. Food Microb., 41:45-51 (1998)

EXAMINER SIGNATURE	DATE CONSIDERED
<p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.</p> <p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.</p>	

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	10/672,668
Filing Date	September 6, 2003
First Named Inventor	A. Satyanarayan Naidu
Group Art Unit	1651
Examiner Name	Unknown
Attorney Docket Number	51309-00001US

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,957,974	5/18/96	Hata	424	93.45	
	4,210,672	07/01/80	Hata	426	43	
	4,314,995	02/09/82	Hata et al.	424	93.45	
	4,345,032	8/17/82	Hata	435	252.9	
	4,579,734	04/01/86	Hata et al.	424	93.45	
	4,839,281	6/13/89	Gorbach et al.	435	34	
	4,871,539	10/03/89	Hata et al.	424	93.3	
	4,879,238	11/07/89	Hata	435	244	
	5,032,399	07/16/91	Gorbach et al.	424	93.45	
	5,705,160	01/06/98	Bruce et al.	424	93.45	
	5,709,857	01/20/98	Morelli et al.	424	93.45	
	5,965,128	10/12/99	Doyle et al.	424	93.48	
	6,060,050	05/09/00	Brown et al.	424	93.3	
	6,117,477	09/12/00	Paluch	426	623	
	6,274,564	08/14/01	Sarill et al.	514	52	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	INTERNATIONAL FILING DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	PCT/US03/30381	Mailing Date: 04/28/04	PCT			X	
	2421066	03/25/76	DE				X
	0271364	12/14/87	EP			X	
	9301823	02/04/93	WO			X	
	9855131	12/10/98	WO			X	

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